



House of Representatives

General Assembly

File No. 75

January Session, 2013

House Bill No. 5308

House of Representatives, March 20, 2013

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING CERTAIN APPLICATIONS FOR
REIMBURSEMENT FROM THE UNDERGROUND STORAGE TANK
PETROLEUM CLEAN-UP PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Notwithstanding the provisions of
2 section 22a-449f of the general statutes, any person owning real
3 property that is used for a commercial purpose and that is located in a
4 town having a population of not less than fifty-eight thousand persons
5 but not more than sixty-five thousand persons may submit an
6 application or request for payment or reimbursement from the
7 underground storage tank petroleum clean-up program, provided
8 such person (1) previously received a demand letter from the
9 Commissioner of Energy and Environmental Protection seeking
10 payment or reimbursement for costs incurred by the state, pursuant to
11 section 22a-451 of the general statutes, and (2) received notice of a
12 release or suspected release from the Department of Energy and
13 Environmental Protection on or before April 1, 2003.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: None

Explanation

The bill is permissive and allows additional claims to be submitted to the Underground Storage Tank (UST) program for consideration of reimbursement.

There is no fiscal impact, as the bill does not authorize additional general fund appropriations or bond funds for the UST program. The bill does, however, add to the pool of potential claims that must be paid out under the program.

Background of the UST Program:

The program is administered by the Department of Energy and Environmental Protection (DEEP). It enables owners and operators of federally-regulated petroleum UST's (motor fuel, used oil, or heating oil for resale) to comply with financial-responsibility requirements and provides reimbursement to responsible parties and third parties to investigate and clean-up releases or suspected releases from USTs. Heating oil USTs for onsite heating are ineligible for this program.

PA 12-1 of the June Special Session, phases out the UST Program. It designates dates after which UST owners or operators can no longer rely upon the program to comply with financial responsibility requirements. After these deadlines, owners or operators must use other mechanisms to satisfy the fiscal responsibility requirements.

PA 12-189 authorized \$36.0 million for the UST Program, with \$9.0 million provided in FY 13, FY 14, FY 15 and FY 16. The FY 13 funds have already been allocated by the State Bond Commission (SBC) and are being used to pay the oldest claims awaiting payment. In January 2013, the program had approved claims totaling approximately \$20.6 million awaiting payment and claims of \$92.5 million waiting for audit, approval and payment.

The Out Years

State Impact: There is no fiscal impact in the outyears, as the bill does not authorize additional general fund appropriations or bond funds for the UST program. The bill does, however, add to the pool of potential claims that must be paid out under the program.

Municipal Impact: None

OLR Bill Analysis

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SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 22 Nay 6 (03/04/2013)